REMARKS

By this amendment, claims 1-52 are pending, in which claims 19 and 44 are amended. Thus 1-52 claims are pending, of which 1, 14, 26, 39, 51, and 52 are independent. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 25, 2007 rejected claims 2, 15, 19, and 44 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention, claims 1-7, 9-20, 22-45, and 47-52 under 35 U.S.C. § 102(e) as anticipated by *Chatterjee et al.* (US 2001/0043600), and claims 8, 21, 33, and 46 as obvious under 35 U.S.C. § 103 based on *Chatterjee et al.* (US 2001/0043600) in view of Official Notice.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The rejection of claims 2, 15, 19, and 44 under 35 U.S.C. §112, second paragraph, is respectfully traversed.

With regard to claims 2 and 15, the Examiner contends that it is "unclear how the DNS information is piggybacked on the pre-fetched objects." Because the rejection is under 35 U.S.C. §112, second paragraph, and not under the enablement clause of 35 U.S.C. §112, first paragraph, it is clear that the Examiner is not questioning the technical aspects of how one actually piggybacks information onto other information, but rather, what it means to piggyback DNS information on the pre-fetched objects.

As explained at pages 4, 12-13 and 15 of the specification, the upstream proxy obtains domain name service (DNS) information associated with a request and the DNS information is "piggybacked on one of the pre-fetched objects" to the downstream proxy. Thus, the DNS information is sent along with the pre-fetched object(s) from the upstream proxy to the downstream proxy. As seen in Figure 2, for example, the upstream proxy 215, through IP network 113, obtains the DNS information from DNS server 115 and the pre-fetched objects from web server 109. The upstream proxy 215 then sends both pieces of information (DNS information and pre-fetched objects, i.e., the DNS information is "piggybacked" on the pre-fetched objects), via satellite 201, to downstream proxy 213. Applicants view the claim language, as written, to be clear in this regard and no amendment is deemed necessary to overcome the rejection of claims 2 and 15 under 35 U.S.C. §112, second paragraph. However, Applicants would be receptive and

grateful for any suggestions the Examiner might have in amending the claim language in a manner that would satisfy the Examiner with regard to 35 U.S.C. §112, second paragraph.

With regard to claims 19 and 44, the Examiner indicates that the limitation "proxy rejects a pre-fetched **objected** from the list" is not clear. These claims have now been amended to change "objected" to --objects-- and the amendment should overcome the rejection of claims 19 and 44 under 35 U.S.C. §112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102(e)

The Examiner rejects claims 1-7, 9-20, 22-45, and 47-52, which includes all of the independent claims, as anticipated by *Chatterjee et al.*

Independent claims 1, 14, 39, 51, and 52 recite, in some form, a proxy or upstream proxy for "generating a list specifying objects to be pre-fetched." Independent claim 26 also includes the feature of "generating a list specifying objects that are to be pre-fetched." The Examiner contends that this feature is taught by *Chatterjee et al.*, specifically identifying paragraph [0014], where *Chatterjee et al.* discloses receiving a list of objects.

While *Chatterjee et al.* does disclose a "list of objects" that are included in the cache (see paragraph [0013]), that the cache pre-fetches at least one object contained in a requested data page, and that the cache can form a data cluster from the at least one object (see paragraph [0014]), there is no teaching in *Chatterjee et al.*, and clearly none in the portions cited by the Examiner, that the cache "generates" the list of objects. By the disclosure of *Chatterjee et al.*, the cache merely "can include a linked list of objects stored in the cache" ([paragraph [0013]), but there is no indication of that the cache or any other mechanism actually "generated" that list, as required by the present claim language.

Moreover, in at least independent claim 1, for example, this generated list must be received "in response to the request" for the content. As there is no "generation" of a list in *Chatterjee et al.*, there cannot be any receipt of such a list in response to a request for content.

Since *Chatterjee et al.* fails to teach a "generation," especially by a proxy, or cache, of a list specifying objects to be pre-fetched, *Chatterjee et al.* cannot anticipate the present claims and the Examiner is respectfully requested to withdraw the rejection of claims 1-7, 9-20, 22-45, and 47-52 under 35 U.S.C. § 102(e), for at least this reason.

REJECTION UNDER 35 U.S.C. §103

Since *Chatterjee et al.* fails to teach the generation, by a proxy, of a list specifying objects to be pre-fetched, and the Examiner has pointed to nothing that would have made it obvious to have the upstream proxy, or cache, in *Chatterjee et al.* generate such a list, the rejection of claims 8, 21, 33, and 46 under 35 U.S.C. §103 should also be withdrawn.

Furthermore, Applicants hereby challenge the Examiner's finding of Official Notice that "it would have been obvious to...limit the number of objects in the list as described in the instant application because doing so would limit the number of HTTP connections which make the system more efficient and robust" (Office Action-page 14). Official Notice may only be taken of a "fact" but the Examiner has taken Official Notice of something to have been obvious. Obviousness is a legal conclusion reached after consideration of all the facts of record. Obviousness is not a fact of which Official Notice may be taken. Thus, on its face, the Examiner's rejection under 35 U.S.C. §103 is flawed.

The Examiner admits that *Chatterjee et al.* lacks any disclosure of a number of objects specified in the list in the forwarding step being limited by a configurable threshold (Office Action-page 14). Since the Examiner offers no evidence of this feature being taught in the prior art, and there would appear to be no reason, based on *Chatterjee et al.* alone, to modify *Chatterjee et al.* in such a manner as to limit the number of objects specified in the list by a configurable threshold, as claimed, the rejection of claims 8, 21, 33, and 46 under 35 U.S.C. §103 should also be withdrawn.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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